

405 KAR 3:190. Permanent impoundments.

RELATES TO: KRS 350.151

STATUTORY AUTHORITY: KRS 350.151

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.151 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the surface effects of underground coal mining. This administrative regulation sets forth requirements for permanent water impoundments.

Section 1. General Requirements. The permittee may construct, if authorized by the cabinet, permanent water impoundments on mining sites only when they are adequately demonstrated to be in compliance with the requirements of this chapter in addition to the following requirements:

- (1) The size of the impoundment is adequate for its intended purposes.
- (2) The impoundment dam construction is designed to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under PL 83-566 (16 USC 1006).
- (3) The quality of the impounded water will be suitable on a permanent basis for its intended use and discharges from the impoundment will not degrade the quality of receiving waters below the water quality standards established pursuant to applicable federal and state law.
- (4) The level of water will be reasonably stable.
- (5) Final grading will comply with the provisions of the backfilling and grading requirements of 405 KAR 3:100 and will provide adequate safety and access for proposed water users.
- (6) Water impoundments will not result in the diminution of the quality or quantity of water used by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

Section 2. Permanent impoundments (except those classified Class (A) pursuant to 405 KAR 3:020, Section 5(2)(d)) shall be approved by the cabinet, designed, constructed and maintained in accordance with the provisions of KRS 151.250 and administrative regulations adopted pursuant thereto. (4 Ky.R. 423; eff. 5-3-78; Am. 528; 5 Ky.R. 233; eff. 8-23-78; TAm eff. 8-9-2007.)